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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/665,899	09/20/2000	Masayoshi Iwase	10517/74	6300
23838	7590	11/01/2004	EXAMINER	
KENYON & KENYON 1500 K STREET, N.W., SUITE 700 WASHINGTON, DC 20005			MERCADO, JULIAN A.	
		ART UNIT	PAPER NUMBER	
		1745		

DATE MAILED: 11/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/665,899	IWASE ET AL.
	Examiner	Art Unit
	Julian Mercado	1745

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 18 May 2004.
- 2a) This action is **FINAL**.                                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1,3-5,7,8,10-12,14-16,18,20,22,24,26 and 28-31 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 20, 22, 24, 26, 28-31 is/are allowed.
- 6) Claim(s) 1,3-5,7,8,10,14-16 and 18 is/are rejected.
- 7) Claim(s) 11, 12, 14 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. 09/216,778.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

**DETAILED ACTION**

***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on May 18, 2004 has been entered.

Claims 1,3-5, 7, 8, 10-12, 14-16, 18, 20, 22, 24, 26 and 28-31 are pending.

***Information Disclosure Statement***

The information disclosure statement (IDS) submitted on May 18, 2004 and December 24, 2003 have been considered by the examiner.

The IDS submitted July 23, 2004 has been considered in-part by the examiner. Document "B" is a duplicate citation and has therefore been "lined through". Documents "F" and "H-N" are absent from the file. Additionally, citation of these documents without its accompanying translation, English-language abstract or statement of relevance is not in compliance with MPEP 609. Applicant is requested to provide copies of the foreign references and any related documents for the examiner's consideration.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3-5, 7, 8, 10, 14-16 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Dews et al. (U.S. Pat 3,801,374)

Claim 1 is an independent claim. Regarding claim 1, Dews et al. teaches a fuel cell comprising a joint body [10-14], a separator [18] having a plurality of projections [22] extending across its width, wherein a gas supply inlet [28] enters into a first plurality of regions in a direction parallel to a longitudinal axis thereof. (Figures 1 and 2, col. 2 line 10-35) With respect to claims 2 and 11, as seen in Figure 2, the gas flow is in a “serpentine” direction, thus the direction of gas flow in the second middle region differs from the first region. The separator has rib portions [46]. (col. 3 line 8, applies to claims 4 and 5) As seen in Figure 2, the middle region, being twice the width of the first region, naturally has a different number of projections. (applies to claim 15) The middle region, in a relative sense, is “near” the inlet portion [28] of the fluid passage, thus the middle region has a greater number of projections than the outlet portion [30]. (applies to claim 16, the examiner notes that the term “near” has been given its broadest reasonable interpretation of proximity and not necessarily adjacency)

With respect to claim 8, the first turning section shown by Dews et al. is approximately two projections wide. (refer to Figure 2) It can also be seen that the middle fluid passage is four projections wide. Thus, the width of the turning section is narrower (by two projections) than the

width of the middle fluid passage (of note, corresponding to the aforementioned second middle region).

Regarding claims 3, 7, 10, 14, and 18, Dews et al. teaches a cooling portion of the separator having similar projections defining chambers [44] for passage of coolant. (col. 2 line 31-35) The cooling plate is coextensive with the separator body insofar as the “bottom” of the cooling plate is coextensive with the separator “top”. The portion of Dews et al. readable on the claimed cooling plate is relied upon to the extent that the claims merely recite a “top” of the separator which therefore does not limit the claim to mutually separable separator and cooling plate bodies.

***Allowable Subject Matter***

Claims 20, 22, 24, 26, and 28-31 are allowed. The following is an examiner’s statement of reasons for allowance: the prior art of record does not teach or suggest the instant invention regarding each of the plurality of regions being narrower in width than the width of its immediately upstream region.

Claims 11, 12 and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 11 would be allowable in that the prior art does not teach or suggest a width of each of the regions being different. Claim 12 would be allowable in that the prior art does not teach or suggest a width of the regions near the inlet portion of the fluid passage being wider than the width of the regions near the outlet portion of the fluid passage. Claim 14 would be allowable by virtue of its dependency from claim 12.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

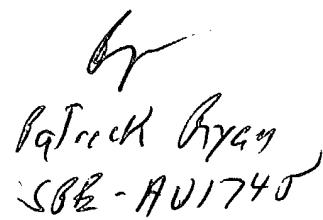
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julian Mercado whose telephone number is (571) 272-1289. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick J. Ryan, can be reached on (571) 272-1292. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

  
J. Mercado  
Julian Mercado

  
Patrick J. Ryan  
SBB-AU1745